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SIPDIS

SENSITIVE

DEPT. EUR/WE (MENNU TI)

E.O. 12958: N/A

TAGS: PHUM PREL PGOV SOCI PREL PGOV SOCI VT VTPHUM

SUBJECT: VATICAN BACKS U.S. BISHOPS' SEXUAL ABUSE POLICY,  
BUT SEEKS CANONICAL DUE PROCESS

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SUMMARY  
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11. (U) IN AN OCTOBER 18 LETTER TO THE U.S. CONFERENCE OF CATHOLIC BISHOPS, THE HOLY SEE CONVEYED ITS SUPPORT FOR THE U.S. BISHOPS' EFFORTS TO ADDRESS SEXUAL ABUSE ISSUES, BUT  
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ALSO INDICATED ITS DESIRE FOR REVISIONS IN THE BISHOP'S ABUSE POLICY DOCUMENT ADOPTED IN DALLAS IN JUNE 2002. ALTHOUGH JUDGED POSITIVELY AS A WHOLE, THE DOCUMENT WAS SEEN BY THE VATICAN TO BE AMBIGUOUS AND CONFUSED IN SOME PARTS, AS WELL AS CONTRARY TO THE LAWS OF THE CATHOLIC CHURCH (CANON LAW). A COMMISSION OF FOUR U.S. BISHOPS AND FOUR VATICAN OFFICIALS WILL CONDUCT THE REVISION, EXPECTED TO BE COMPLETED IN TIME FOR THE U.S. BISHOPS' NEXT MEETING IN NOVEMBER. END SUMMARY.

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BISHOPS' POLICY ON TRACK, BUT FINE-TUNING NEEDED  
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12. (U) THE MUCH-ANTICIPATED VATICAN RESPONSE TO THE U.S. CONFERENCE OF CATHOLIC BISHOPS' "NORMS FOR DIOCESAN POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS, DEACONS, OR OTHER CHURCH PERSONNEL," CONVEYED IN A LETTER FROM THE PREFECT OF THE HOLY SEE'S CONGREGATION (DEPARTMENT) FOR BISHOPS, CARDINAL GIOVANNI BATTISTA RE, EXPRESSED STRONG SUPPORT FOR THE BISHOPS' EFFORTS TO RESPOND TO THE SEX ABUSE PROBLEM IN THE U.S. THE HOLY SEE EXPRESSED "FULL SOLIDARITY" WITH THE U.S. BISHOPS' CONDEMNATION OF SEXUAL MISDEEDS AND SUPPORT FOR THEIR EFFORTS TO "RESPOND FIRMLY" TO THE MISDEEDS OF A "VERY SMALL NUMBER" OF CHURCH PERSONNEL. CARDINAL RE EMPHASIZED THAT THE HOLY SEE REGARDS SEXUAL ABUSE OF MINORS AS "PARTICULARLY ABHORRENT." AT THE SAME TIME, THE RE LETTER ALSO MADE CLEAR THAT THE VATICAN SAW POTENTIAL FOR CONFUSION AND MISINTERPRETATION IN SOME ASPECTS OF THE NORMS. RE'S LETTER IS THE FRUIT OF MONTHS OF INTERNAL DISCUSSION AMONG FIVE VATICAN DEPARTMENTS. IT  
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REFLECTED THE UNEASE FELT HERE THAT CERTAIN PROVISIONS OF THE NORMS COULD VIOLATE THE DUE-PROCESS RIGHTS OF ACCUSED CLERGY.

13. (U) THE HOLY SEE'S CONCERNS WITH THE U.S. NORMS ARE CENTERED ON THE MECHANISMS FOR ADMINISTERING THE POLICY, ITS COMPATIBILITY WITH CANON LAW, AND LACK OF CLARITY IN SOME TERMINOLOGY. FOR EXAMPLE, THE HOLY SEE IS CONCERNED ABOUT THE POTENTIAL CHALLENGE TO A BISHOP'S AUTHORITY BY SO-CALLED "REVIEW BOARDS" -- BODIES WITH A HEAVY LAY COMPONENT MONITORING HOW SEX ABUSE ACCUSATIONS ARE DEALT WITH -- WHICH ARE TO BE SET UP IN EVERY DIOCESE. THE U.S. DOCUMENT DEFINES THESE AS CONSULTATIVE, HOWEVER, THE VATICAN BELIEVES THEY COULD SEEK TO ASSERT AUTHORITY OVER BISHOPS TO HOLD THEM ACCOUNTABLE. THE HOLY SEE ALSO EXPRESSED CONCERN ABOUT THE DEFINITION OF "SEXUAL ABUSE." THE "NORMS" DEFINE SEXUAL ABUSE BROADLY, INCLUDING NON-PHYSICAL ACTS. THE VATICAN SEES THIS AS "VAGUE AND IMPRECISE AND THEREFORE DIFFICULT TO INTERPRET."

14. (U) AN ADDITIONAL CONCERN IS THAT THE NORMS GO FURTHER THAN CANON LAW AND RECENT PAPAL DIRECTIVES IN DEALING WITH PRIESTS CONVICTED OF SEXUAL ABUSE -- EITHER IN A CIVIL OR CHURCH COURT. INSTANT DISMISSAL FROM THE CLERICAL STATE -- THE SO-CALLED "ONE STRIKE AND YOU'RE OUT" POLICY -- DOES NOT CONFORM TO CHURCH LAW. (COMMENT: THE VATICAN ALSO MAKES A DISTINCTION BETWEEN ABUSE AND SEXUAL MISDEMEANOR, E.G., A YOUNG PRIEST HAVING A CONSENSUAL RELATIONSHIP WITH A 17 YEAR-OLD GIRL. INDEED, FROM THE VATICAN PERSPECTIVE THE LATTER RELATIONSHIP IS NOT A CIVIL MISDEMEANOR IN MANY COUNTRIES WHERE PRIESTS WORK. END COMMENT.) ALTHOUGH THE U.S.  
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BISHOPS MAINTAIN THAT CURRENT CHURCH LAW PROCEDURES WILL BE RESPECTED, THE VATICAN IS SEEKING CHANGES TO SPECIFY EXACTLY

HOW THIS WILL BE DONE.

15. (U) TO ACHIEVE THESE REFINEMENTS AND PROVIDE THE VATICAN "RECOGNITIO" REQUESTED BY THE U.S. BISHOPS FOR THEIR POLICY, THE HOLY SEE AND THE U.S. BISHOPS HAVE CREATED A MIXED COMMISSION OF FOUR U.S. BISHOPS AND FOUR REPRESENTATIVES FROM THE HOLY SEE DICASTERIES HAVING A ROLE IN THE MATTERS UNDER REVIEW -- THE CONGREGATION FOR THE DOCTRINE OF THE FAITH, THE CONGREGATION FOR BISHOPS, THE CONGREGATION FOR THE CLERGY, AND THE PONTIFICAL COUNCIL FOR LEGISLATIVE TESTS. THEIR REVISIONS ARE EXPECTED TO BE COMPLETED IN TIME FOR THE NEXT U.S. BISHOPS MEETING IN NOVEMBER. AFTER THE BISHOPS INCORPORATE THE CHANGES INTO THEIR' NORMS, THE HOLY SEE WOULD THEN APPROVE THE REVISED DOCUMENT (PROVIDE "RECOGNITIO"), WHICH THEN AUTOMATICALLY BECOMES BINDING FOR THE CATHOLIC CHURCH IN THE UNITED STATES (THOUGH NOT ELSEWHERE).

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ACTION EUR-00

INFO LOG-00 NP-00 AMAD-00 CIAE-00 DODE-00 DS-00 UTED-00  
VC-00 TEDE-00 INR-00 LAB-01 VCE-00 NSAE-00 TEST-00  
DSCC-00 PRM-00 DRL-02 SAS-00 /003W  
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R 230934Z OCT 02  
FM AMEMBASSY VATICAN  
TO SECSTATE WASHDC  
INFO WHITE HOUSE WASHDC

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COMMENT

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16. (SBU) CONTRARY TO MEDIA REPORTS SUGGESTING THAT THE HOLY SEE REJECTED THE U.S. BISHOPS' PROPOSALS, THE HOLY SEE'S RESPONSE IS BROADLY SUPPORTIVE WHILE SIMULTANEOUSLY CONCERNED THAT THE U.S. PROPOSALS -- HAMMERED OUT RAPIDLY  
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LAST SUMMER UNDER AN INTENSE MEDIA SPOTLIGHT -- LACK THE PRECISION AND CLARITY NEEDED TO ENSURE AN EFFECTIVE POLICY THAT BOTH PROTECTS MINORS FROM ABUSE WHILE PROVIDING ADEQUATE SAFEGUARDS FOR CLERGY IN THE FACE OF POTENTIAL FALSE ALLEGATIONS. THE BOTTOM LINE IS THAT THE VATICAN WANTS TO DEAL EFFECTIVELY WITH THE PROBLEM OF SEXUAL ABUSE BY CLERGY, BUT DOES NOT WANT TO DO SO AT THE COST OF DEPRIVING CLERGY OF DUE PROCESS. THE HOLY SEE DOES NOT AT THIS TIME REGARD THE U.S. BISHOPS' EFFORT AS A MODEL FOR THE REST OF THE WORLD, WHERE IN CERTAIN COUNTRIES VOLUNTARY NORMS HAVE ALREADY BEEN AGREED WITH THE TACIT APPROVAL OF THE HOLY SEE. NEVERTHELESS, THERE IS LITTLE DOUBT THAT THE U.S. POLICY WILL BECOME A POINT OF REFERENCE FOR OTHER COUNTRIES COMING TO TERMS WITH PAST CASES OF ABUSE. FOR THIS REASON, THE HOLY SEE WANTS TO BE SURE THAT THE U.S. NORMS ARE FULLY CONSISTENT WITH CHURCH LAW AND PROVIDE A LASTING BASIS TO PROTECT MINORS FROM ABUSE WHILE ENSURING CANONICAL DUE PROCESS FOR ACCUSED CLERGY.

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